

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 274/2010
along with Interlocutory Application Nos. 20/2011 and 21/2011**

**Coram: Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member**

Date of Order: 15.5.2012

In the matter of

Approval of capital cost and determination of generation tariff of 2 x 525 MW generating units of Maithon Power Limited, for the period from the anticipated date of commercial operation of Unit-I and Unit-II to 31.3.2014.

And

In the matter of

Grant of provisional tariff for 150 MW of Unit-I of Maithon Right Bank Thermal Power Plant for the period 2012-2013.

And

In the matter of

Maithon Power Ltd, Noida
Vs

.....Petitioner

- (1) North Delhi Power Ltd, New Delhi
- (2) Damodar Valley Corporation, Kolkata
- (3) West Bengal State Electricity Distribution Company Ltd, Kolkata
- (4) Punjab State Electricity Board, Patiala
- (5) Tata Power Trading Company Ltd, Mumbai

...Respondents

ORDER

The petitioner, Maithon Power Ltd, has filed this petition for determination of generation tariff for sale of power from Units-I and II (2 x 525 MW) of its generating station at Maithon, from the anticipated commercial operation of Unit-I (25.12.2010) and Unit-II (25.4.2011) till 31.3.2014 in accordance with Sections 62 and 79(1)(b) of the Electricity Act, 2003 (the Act)



and the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (herein after referred to as "the 2009 Tariff Regulations").

2. While so, the petitioner filed Interlocutory Application (I.A. No.11/2011) and prayed for grant of provisional tariff for 150 MW supply of power to DVC from the anticipated date of commercial operation of Unit-I (15.6.2011) to 31.3.2012. Thereafter, the petitioner filed Interlocutory Application (I.A.No.14/2011) and prayed for grant of provisional tariff of Units-I and II of the generating station from the anticipated date of commercial operation of the said units till 31.3.2014.

3. The matter was heard on 21.7.2011 on the issue of jurisdiction of the Commission to determine tariff of the generating station under Section 62 read with Section 79(1)(b) of the Act for sale of 750 MW of power from the generating station to respondents 1,3 and 4 through respondents No.5, TPTCL and the Commission has reserved its orders. However, since Unit-I was declared under commercial operation on 1.9.2011, the Commission by its order dated 11.11.2011 granted provisional tariff in respect of 150 MW supply of power from Unit-I of the generating station to the respondent No.2, DVC, from 1.9.2011 up to the date of commercial operation of Unit-II of the generating station or 31.3.2012, whichever is earlier, pending final decision in the said petition. The said I.As were disposed of accordingly.

4. Meanwhile, the petitioner by Interlocutory Application No.20/2012 has submitted that it has been granted Long Term Open Access (LTOA) by PGCIL on 29.3.2012 and based on the PPA, the sale of power to the respondents under LTOA for the respective shares in the generation capacity, has commenced from Unit-I from 1.4.2012. Accordingly, the petitioner has prayed that the provisional tariff granted for Unit-I (150 MW) for the period from 1.9.2011 to 31.3.2012 by order dated 11.11.2011, may be further extended from 1.4.2012 till the final disposal of the petition. It has also submitted that Unit-II of the generating station is likely to achieve commercial operation by 1.7.2012.

5. The petitioner has also filed Interlocutory Application No.21/2012 for amendment of the petition, taking into consideration the revised capital cost from the date of commercial operation of Unit-I (from 1.9.2011) and the anticipated date of commercial operation of Unit-II (from 1.7.2012) and has accordingly prayed, amongst others, for determination of tariff of the generating station upto 31.3.2014.

6. We now consider the prayer of the petitioner in the I.As and dispose of the same as under:

Interlocutory Application No.21/2012

7. The prayer of the petitioner for amendment of the petition, taking into consideration the revised capital cost of Units I and II of the generating station is allowed and the same is taken on record. The petitioner is directed to serve copies of the said amended application on the respondents, if not done earlier, on or before 15.5.2012 and the respondents are directed to file their replies, with advance copy to the petitioner by 29.5.2012. Rejoinder, if any, by 9.6.2012.

Interlocutory Application No. 20/2012

8. In terms of Regulation 5 (4) of the 2009 Tariff Regulations, amended on 2.5.2011, provisional tariff for supply of 150 MW from Unit-I of the generating station was granted to the petitioner, by order dated 11.11.2011, as under:

"9. After carrying out prudence check, we allow the provisional fixed charges of ₹8298.50 lakh for 213 days for supply of 150 MW of power from Unit-I of the generating station to the respondent No.2, DVC for the period from 1.9.2011 to 31.3.2012 (i.e 213 days), based on the capital cost of ₹203063.00 lakh as claimed by the petitioner".

9. Taking into consideration the submissions of the petitioner, we extend the provisional tariff granted by order dated 11.11.2012 (as extracted above), in respect of 150 MW supply of power from the Unit-I of the generating station to the respondent No.2, DVC, from 1.4.2012 to 31.3.2014 or till the final disposal of the petition, whichever is earlier.

10. Energy Charge Rate in respect of the generating station shall be determined in terms of Clauses 5 and 6 (a) of Regulation 21 of the 2009 regulations, on month to month basis.

11. The provisional fixed charges allowed are subject to adjustment in terms of clause (4) of Regulation 5 of 2009 Tariff Regulations.

12. The issue of Commission's jurisdiction to determine tariff of the generating station under Section 62 read with Section 79(1)(b) of the Act, for sale of 750 MW of power from the generating station to respondents 1,3 and 4 through respondent No.5, TPTCL, would be dealt with by the Commission by a separate order.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER

Sd/-
[DR.PRAMOD DEO]
CHAIRPERSON